

<b>NEVADA DEPARTMENT OF CORRECTIONS</b>	<b>SERIES 500 CLASSIFICATION AND MANAGEMENT OF INMATES</b>	<b>SUPERSEDES: AR 568 09/01/83</b>
<b>ADMINISTRATIVE REGULATIONS MANUAL</b>	<b>ADMINISTRATIVE REGULATIONS 568 INMATE REVIEW OF DEPARTMENTAL RECORDS</b>	<b>EFFECTIVE DATE: 09/09/02</b>

## TABLE OF CONTENTS

	<u>PURPOSE</u>	
	<u>AUTHORITY</u>	
	<u>RESPONSIBILITY</u>	
	<u>DEFINITIONS</u>	
	<u>APPLICABILITY</u>	
	<u>PROCEDURES</u>	
<u>568.01</u>	RECORD REVIEW	
<u>568.02</u>	EXCLUSIONS	
<u>568.03</u>	METHODS	
<u>568.04</u>	CHALLENGES OF RECORD	
<u>568.05</u>	REPRODUCTION OF DOCUMENTS	
<u>568.06</u>	GENERAL CONSIDERATIONS	
<u>568.07</u>	ATTORNEY REVIEW OF RECORDS	
	<u>REFERENCES</u>	
	<u>ATTACHMENTS</u>	
	<u>MANDATORY REVIEW DATE</u>	<u>09/09/03</u>

### **PURPOSE**

To establish procedures that ensures inmate's access to information in their case records **(3-4095)**.

### **AUTHORITY**

NRS 179A.150

### **RESPONSIBILITY**

Wardens/Facility Managers are directly responsible for administering and implementing policy consistent with this regulation.

### **DEFINITIONS**

**CENTRAL FILE (C-FILE)-** The central file is a partial compilation of criminal records, documents, and records of correctional supervision maintained by the OMD for the purpose of sentence management, detainers, classification, and for use in management information and statistics.

**CONFIDENTIAL INFORMATION-** Any information classified as confidential by the Department under the authority of statute and case law and is kept secret from the inmate or all other unauthorized persons, agencies or entities. Confidential information is not limited to medical and mental health information and includes, but is not limited to, information that if disclosed would (3-4095):

- Endanger the health and/or safety of the subject or other persons.
- Endanger the security of any Department facility.
- Disclose personal information pertaining to a person other than the inmate when the information would not reasonably be a part of the inmate's knowledge or experience.
- Impede an investigation or prevent the Department from accomplishing its statutory purpose and function in criminal, civil, or administrative matters.
- Provide information required by statute to be withheld from the individual to whom it pertains

**DISCLOSE-** To reveal, release, transmit, transfer, disseminate, or otherwise make accessible or communicate all or any part of any record orally, in writing, electronically, or by any other means to the data subject or any other person, agency, or entity by the Department.

**FILE-** Any collection of confidential or personal information regarding an individual which is maintained or retrieved by name or other identifying particular assigned to the subject of that information.

**INMATE-** Any individual, whether in pretrial, unsentenced, or sentenced status, which is confined in a correctional facility.

**INSTITUTIONAL FILE (I-FILE)-** The institutional file is a compilation of criminal records, documents, and records of correctional supervision concerning individual inmates. This complete record is maintained at the institution where the inmate is housed.

**RECORD-** Information concerning the individual's delinquent or criminal, personal, and medical history and behavior and activities while in custody, including but not limited to commitment papers, court orders, detainers, personal property receipts, visitors lists, photographs, fingerprints, type of custody, disciplinary infractions and actions taken, grievance reports, work assignments, program participation, and miscellaneous correspondence.

## **APPLICABILITY**

This regulation applies to all institutional staff who has the authority for implementing, observing, and completing the process of an inmate's review of their departmental record.

## **PROCEDURES**

### **568.01 RECORD REVIEW**

1.1 The Department will allow an inmate to review their respective institutional file for the purpose of challenging the accuracy or completeness of certain non-confidential information contained therein.

1.1.1 Electronic Classification chrono entries in the Nevada Criminal Information System (NCIS) are considered to be part of their institutional record. Therefore, these entries are subject to review by inmates.

1.2 Such reviews will be limited to information originating with the Department itself or from other criminal justice agencies in the State of Nevada.

1.3 Refer to AR 639, Medical Records, regarding the procedures for review of medical records.

### **568.02 EXCLUSIONS**

1.1 Inmates will not be permitted access to information regardless of origin which, if disclosed, might **(3-4095)**:

1.1.1 Endanger the physical, psychological, or emotional well being of the subject or other persons.

1.1.2 Endanger the security of any institution/facility or that of any facility housing inmates.

1.1.3 Disclose personal or confidential information pertaining to a person other than the inmates.

1.1.4 Impede, hinder, or compromise an investigation or the outcome of criminal or administrative proceedings engaged in by the Department.

### **568.03 METHODS**

1.1 Associate Warden of Program's (AWP), and institutional and facility caseworkers will maintain the appropriate request forms (DOC Form 2022 Request for Review of Institutional File) and ensure that they are accessible to the inmate population.

1.2 Inmate requests for record review will be forwarded to the AWP for initial processing.

1.2.1 Prior to the inmate review of the records, the AWP/designee will ensure that all items deemed restricted and/or confidential from inmate viewing are appropriately marked and removed from the institutional file.

1.2.2 The AWP/designee will ensure these documents are returned to the file upon completion of the review.

1.2.3 A copy of the inmate's electronic classification chrono's shall be requested from the Correctional Case Records Manager in the Offender Management Division. The AWP/designee will ensure that all items deemed restricted and/or confidential are removed before the inmate reviews them.

1.2.4 The copies of the chrono's will be destroyed upon completion of the record review.

1.3 The AWP/designee will directly supervise the review of the record by the inmate. The staff member will remain with the inmate at all times, during the review process.

1.4 Upon completion of the file review, the inmate and supervising staff witness will sign the record review log form. The log form shall be maintained in the institutional file.

#### **568.04 CHALLENGES OF THE RECORD**

1.1 Challenges to accuracy of documents originated by departmental personnel must be addressed through the inmate grievance process (AR 740).

1.2 Information found, via the grievance process, to be inaccurate will be expunged from the record or appropriately corrected with a copy of the corrected document provided to the inmate at the Department's expense.

1.3 Challenges to the accuracy of information originated by another criminal justice agency will be handled by direct inmate request to the originating agency.

#### **568.05 REPRODUCTION OF DOCUMENTS**

1.1 Normally, except as provided in 568.04, 1.2, inmates will not be provided with copies of documents maintained by the Department.

1.2 If special circumstances exist, upon approval of the Associate Warden of Programs/Facility Manager, copies may be provided to the inmate per AR 722.

#### **568.06 GENERAL CONSIDERATIONS**

1.1 Inmates will, not review Central Files and confidential information excluded from inmate access by provisions of this procedure.

1.2 If there is any question as to the sensitivity or proper safeguarding of original correspondence received by an institution from an outside source, or generated from the Department itself, an inquiry will be made of the Correctional Case Records Manager prior to inclusion of the information in the institutional file. Under no circumstances will highly sensitive information be reproduced for inclusion in institutional files.

1.3 Except under unique and special circumstances, such as viewing the record prior to a Pardons Board hearing or a judicial hearing, an inmate will be permitted to review the record only once per calendar year.

#### **568.07 ATTORNEY REVIEW OF RECORDS**

1.1 Attorneys may be allowed to assist inmates during record reviews pursuant to provisions of this regulation.

1.2 Requests by attorneys to view records for any purposes other than contemplated herein will be referred to the Attorney General Litigation Division prior to such a review.

#### **REFERENCES**

ACA 3-4095

#### **ATTACHMENTS**

DOC Form 2022 Request for Review of Institutional File.

\_\_\_\_\_  
Jackie Crawford, Director

\_\_\_\_\_  
Date

**CONFIDENTIAL**

\_\_\_\_\_  
Yes

\_\_\_\_\_  
No

**THIS PROCEDURE SUPERSEDES ALL PRIOR WRITTEN PROCEDURES ON THIS SPECIFIC SUBJECT.**